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EXAMINER SALIARD, SHANNON S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary**Application No.**

09/886,457

Applicant(s)

UDELHOVEN ET AL.

Examiner

SHANNON S. SALIARD

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6-23, 25, 28 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-23, 25, 28 and 30-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 July 2009 has been entered.

Status of Claims

2. Applicant has amended claims 1, 4, 13, 14, 25, 28, and 37. Claims 2-3, 5, 24, 26, 27, and 29 have been cancelled. Claims 38-44 have been newly added. Thus, claims 1, 4, 6-23, 25, 28 and 30-44 remain pending and are presented for examination.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 14, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1, 4, 6-13, and 38-40** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per **claim 1**, Claim 1 is directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process should either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus the accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). Claim 1 identifies neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 6-10, 13-15, 18-23, 25, 30-34, 37, 39, 42, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Goss et al [US 6,493,447].

As per **claims 1, 14, and 25**, Flake et al discloses a method for providing travel services, the method comprising:

receiving data from a client system to insert into a traveler database having traveler information for a plurality of travelers (col 3, lines 46-52; col 8, lines 33-36; see Fig. 1);

receiving a request from a travel arranger for at least one travel service (col 7, lines 1-14); .

requesting information regarding the at least one travel service from a Global Distribution System (GDS) (col 18, line 67-col 19, line 1);

retrieving traveler data from the traveler database, wherein the traveler data includes at least a portion of the traveler information; and displaying the traveler data in conjunction with the information from the GDS (col 2, lines 19-24; col 7, lines 16-27, col 19, lines 2-15, displays for the agent {arranger} the requesting customer's business/ and or individual profile information, along with all CRS information); and

deferring a task related to the travel request [col 7, lines 28-44; col 8, lines 1-17], the task associated with a skill group [col 8, lines 18-47; col 1, lines 65-67; col 2, lines 1-6].

While Flake et al discloses receiving data from a client system to insert into a traveler database having traveler information for a plurality of travelers (col 3, lines 46-

52; col 8, lines 33-36; see Fig. 1), Flake et al does not explicitly disclose receiving data for a plurality of travelers. However, mere duplication of parts has no patentable significance unless new and unexpected result is produced, see *In re Harza*, 124 USPQ 378 (CCPA 1960).

Flake et al does not explicitly disclose associating in the traveler database a subset of the plurality of travelers with a travel arranger;

displaying a user interface providing the subset of the plurality of travelers associated with the travel arranger;

receiving through the user interface a selection of a traveler from the subset of the plurality of travelers associated with the travel arranger; and

retrieving traveler data for the selected traveler from the traveler database.

However, Gardener et al discloses a customer profile database that stores every booking [0082]. Gardener et al further discloses allowing a travel planner to retrieve a travel profile for a second or subsequent traveler (i.e. a traveler associated with a travel planner) [0085, Examiner interprets a subset to include a "subsequent traveler"]. It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al the ability to associate, display, and select a subset of travelers associated with a travel arranger as taught by Gardener since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Flake et al does not disclose querying a call management system to receive data indicating an availability of travel counselors, the travel counselors associated with one or more skill groups, wherein a travel counselor is available when the travel counselor is not processing a call; upon determining that a number of available travel of counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task.

However, Goss et al discloses querying a call management system to receive data indicating an availability of travel counselors [col 7, lines 1-10], the travel counselors associated with one or more skill groups [col 4, lines 11-20; col 6, lines 26-51], wherein a travel counselor is available when the travel counselor is not processing a call col 7, lines 1-10]; upon determining that a number of available travel of counselors within the skill group associated with the task is above a predetermined threshold, routing the task to a travel counselor within the skill group for further processing the task [col 13, lines 33-60 and col 13, line 63- col 14, line 15, Examiner interprets that identifying that an agent is available is equivalent to Applicant's predetermined threshold; in this case, the threshold is anything above zero].

It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al the ability to determine that a number of available travel of counselors within the skill group associated with the task is above a predetermined threshold and route the task to a travel counselor within the skill group for further processing the task as taught by Goss et al since the claimed invention is

merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 6, 19, and 30**, Flake et al further discloses wherein the at least one travel service includes an airline reservation service (col 3, lines 26-29).

As per **claims 7, 20, and 31**, Flake et al further discloses wherein the at least one travel service includes a hotel reservation service (col 3, lines 26-29).

As per **claims 8, 21, and 32**, Flake et al further discloses wherein the at least one travel service includes a rental car reservation service (col 3, lines 26-29).

As per **claims 9, 22, and 33**, Flake et al further discloses wherein the at least one travel service includes a train reservation service (col 26-29).

As per **claims 10, 23, and 34**, Flake et al further discloses wherein the at least one travel service includes a limousine reservation service (col 26-29).

As per **claims 13 and 37**, Flake et al further discloses further comprising: retrieving corporate travel data, said data including at least one travel policy; determining a valid travel service option from the information from the GDS in accordance with the at least one travel policy (col 3, lines 55-65).

As per **claim 15**, Flake et al further discloses wherein the at least one GDS includes the Sabre system (col 3, lines 22-25).

As per **claim 18**, Flake et al further discloses wherein the at least one GDS includes the Worldspan system (col 3, lines 26-29).

As per **claim 24**, Flake et al further discloses further comprising a call management system operative to forward requests to a user of the travel services component (col 8, lines 4-16).

As per **claims 39, 42, and 43**, Flake et al does not disclose querying one or more database to identify unused travel documents; and presenting data regarding the unused travel documents on a report. However, Gardener et al discloses identifying used and unused portions of an itinerary and providing a refund for the unused portions [0170-0174]. It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al the ability to querying to identify unused travel documents and reporting the unused documents as taught by Gardner et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

8. **Claims 4 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Goss et al [US 6,493,447] as applied to claim 1 above, and further in view of Bull et al [U.S. Patent No. 5,995,943].

As per **claims 4 and 28**, Flake et al, Gardener et al, and Goss et al disclose all the limitations of claims 1 and 2. Flake et al, Gardener et al, and Goss et al do not disclose wherein routing the task includes determining that a travel related service has

become available. However, Bull et al discloses a method for finding a requested service that was not yet available and monitoring information additions so that the user may be provided the information when it is available (col 6, lines 5-15). It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al, modified with Gardener et al and Goss et al, the ability to determine that a travel related service has become available as taught by Bull et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

9. **Claims 11, 35, 38, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Goss et al [US 6,493,447] as applied to claim 1 above, and further in view of Iyengar et al [U.S. Patent No. 6,360,205].

As per **claims 11 and 35**, Flake et al, Gardener et al, and Goss et al disclose all the limitations of claim 1. Flake et al, Gardener et al, and Goss et al do not disclose wherein retrieving traveler data from the traveler database includes retrieving data regarding a previous itinerary and further comprising copying the data regarding the previous itinerary into a current itinerary. However, Iyengar et al discloses accessing a database record for a traveler from a previous transaction to copy that data into a

current request (col 8, lines 9-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Flake et al, modified with Gardener et al and Goss et al, to include the method disclosed by Iyengar et al. Iyengar et al provides the motivation that the information from the previous transaction so that the request can be pre-populated with information and the user can avoid typing the information again (col 8, lines 9-30).

As per **claims 38 and 41**, Flake et al, Gardener et al, and Goss et al disclose all the limitations of claim 1. Flake et al, Gardener et al, and Goss et al do not disclose further retrieving details from a previous travel order for a traveler; and copying at least a portion of the details from the previous travel order to a user interface for a current travel order for the traveler. However, Iyengar et al discloses accessing a database record for a traveler from a previous transaction to copy that data into a current request (col 8, lines 9-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Flake et al, modified with Gardener et al and Goss et al, to include the method disclosed by Iyengar et al. Iyengar et al provides the motivation that the information from the previous transaction so that the request can be pre-populated with information and the user can avoid typing the information again (col 8, lines 9-30).

10. **Claims 12 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US

2002/0178034] and Goss et al [US 6,493,447] as applied to claim 1 above, and further in view of Harris et al [US 2002/0108109].

As per **claims 12 and 36**, Flake et al, Gardener et al, and Goss et al discloses all the limitations of claim 1. Flake et al, Gardener et al, and Goss et al do not explicitly disclose wherein retrieving traveler data from the traveler database includes retrieving data regarding a first traveler's itinerary and further comprising copying the data regarding the first traveler's itinerary into a second traveler's itinerary. However, Harris et al discloses that a user inputs travel data for multiple passengers to generate a profile and that possible itineraries are presented based on the user's profile [0048]. Thus, suggesting that the first traveler's itinerary and the second traveler's itinerary include the same information as retrieved from the first itinerary. It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al, modified with Gardener et al and Goss et al, the ability to copy the data regarding the first traveler's itinerary into a second traveler's itinerary as taught by Harris et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

11. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US

2002/0178034] and Goss et al [US 6,493,447] as applied to claim 1 above, and further in view of Lynch et al [U.S. Patent No. 6,119,094].

As per **claims 16 and 17**, Flake et al, Gardener et al, and Goss et al disclose all the limitations of claim 14. Flake et al, Gardener et al, and Goss et al do not disclose wherein the at least one GDS includes the Galileo system and the Amadeus system. However, Lynch et al discloses a travel reservation system that includes the Galileo system and the Amadeus system (col 4, lines 54-60). It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al, modified with Gardener et al and Goss et al, a GDS that includes the Galileo system and the Amadeus system as taught by Lynch et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. **Claims 40 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al [U.S. Patent No. 5,832,451] in view of Gardener et al [US 2002/0178034] and Goss et al [US 6,493,447] as applied to claim 1 above, and further in view of Official Notice.

As per **claims 40 and 44**, Flake et al, Gardener et al, and Goss et al disclose all the limitations of claim 1. Flake et al, Gardener et al, and Goss et al do not disclose storing a plurality of payment accounts for a traveler, each of the plurality of payment accounts associated with a mode of travel; and selecting a payment account from the

plurality of payment accounts in accordance with a mode of travel for a current travel order. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention to select a payment account in accordance with the mode of travel. It would have been obvious to one of ordinary skill in the art to include in the travel reservation system of Flake et al, modified with Gardener et al and Goss et al, the ability to select an payment account according to the mode of travel as known in the art since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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